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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

RICHARD KADREY, et al.,

Individual and Representative Plaintiffs,

v.

META PLATFORMS, INC.,

Defendant.

CASE NO. 3:23-cv-03417-VC

**DECLARATION OF MAXWELL V. PRITT
IN SUPPORT OF PLAINTIFFS' MOTION
TO CONSIDER WHETHER ANOTHER
PARTY'S MATERIAL SHOULD BE
SEALED**

I, Maxwell V. Pritt, declare as follows:

1. I am an attorney duly licensed to practice in the State of California. I am a partner in the San Francisco, California office of Boies Schiller Flexner, LLP (“BSF”), counsel for Plaintiffs in the above-captioned action. I have personal knowledge of the matters stated herein and if called upon, I can competently testify thereto. I make this declaration pursuant to 28 U.S.C. Section 1746 and Local Rule 6-3 in support of Plaintiffs’ Administrative Motion to Consider Whether Another Party’s Material Should Be Sealed (the “Sealing Motion”).

2. The Sealing Motion is filed in connection with Plaintiffs’ Reply to Defendant Meta Platforms, Inc.’s Opposition to Motion to Amend Case Management Schedule (the “Reply”).

3. The Declaration of Jonathan Krein in Support of the Reply to Plaintiffs’ Motion to Amend Case Management Schedule (the “Krein Declaration”), and Exhibit A of Holden Benon’s Declaration in Support of the Reply to Plaintiffs’ Motion to Amend Case Management Schedule (the “Benon Declaration”) contain, in various places, summaries or descriptions of material that Defendant Meta Platforms, Inc., has designated as “Confidential” or “Attorneys Eyes Only,” as defined in the in the parties’ Stipulated Protective Order for Litigation Involving Patents, Highly Sensitive Confidential Information and/or Trade Secrets (ECF No. 90, the “Protective Order”).

4. On Friday, October 4, 2024, at 6:14 AM, Margaux Poueymirou of the Joseph Saveri Law Firm LLP, counsel for Plaintiffs, emailed Kathleen Hartnett of Cooley LLP, counsel for Defendant Meta Platforms, Inc., along with Defendant’s other counsel, for permission to file publicly the Krein Declaration and Exhibit A to the Benon Declaration. Ms. Hartnett responded at 8:47 AM, stating, “[Y]es, Meta’s highly confidential source code and discussion of that source code should be filed under seal.” A true and correct copy of that correspondence is attached as Exhibit A.

5. The Protective Order applies to “any information copied or extracted from Protected Material “and “summaries” of Protected Material, and prohibits Plaintiff from filing

any material designated under the Protective Order without written permission from Defendant.
ECF No. 90 at 3-4, 21.

I declare under penalty of perjury that the foregoing is true and correct. Executed
this 4th day of October 2024 in San Francisco, California.

By: /s/ Maxwell V. Pritt
Maxwell V. Pritt